

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO. 05-783 (MJD/JGL)

UNITED STATES OF AMERICA,)
)
)
PLAINTIFF,))
)
)
V.)) DEFAULT JUDGMENT AND
)) FINAL ORDER OF FORFEITURE
\$9,850.00 IN U.S. CURRENCY,)
)
)
DEFENDANT.)

Based on the motion of the United States for an order granting default judgment against Dustin Thaté, Angelina Lalanie and all unknown persons having an interest in the defendant and for a final order of forfeiture; on all the files and records in this action; and on the Court's finding as follows that:

1. a verified Complaint for Forfeiture with supporting affidavit was filed on April 19, 2005, alleging that the defendant is subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(6);

2. a Warrant of Arrest and Notice *In Rem* was issued by the Clerk of Court on April 19, 2005, directing the United States Marshals Service to arrest the defendant; to serve all known persons and entities having an interest in the defendant with a copy of the Summons, Complaint, and Warrant of Arrest and Notice *In Rem*; and to give due notice to them to serve on the United States Attorney and file with the Clerk of Court a verified statement of interest in or right against the defendant within 30 days from the date of service

and an answer to the Complaint for Forfeiture within 20 days from the filing date of the verified statement;

3. the United States Marshal served Dustin Thate, personally and through his attorney, Kenneth Bottema, and Angelina Lalanie with a copy of the Summons, Complaint, Warrant of Arrest and Notice *In Rem*;

4. a notice of the seizure and arrest of the defendant was published by the United States Attorney's Office in *Finance and Commerce*, Minneapolis, Minnesota, a newspaper of general circulation in the District of Minnesota, on May 21, May 28 and June 4, 2005, giving notice to all unknown interested persons and entities of the verified statement and answer requirements;

5. no verified statements of interest in or right against the defendant or answers to the Complaint for Forfeiture have been filed with the Clerk of Court or served on the United States Attorney in response to the published notice of forfeiture, and the time for filing a verified statement and answer has expired;

6. the basis for the forfeiture of the defendant set forth in the Complaint For Forfeiture *In Rem* and attached Affidavit of Edina Police Officer Scott Thompson stands unrebutted, and the Plaintiff has met its burden of establishing that the defendant is forfeitable pursuant to Title 21, United States Code, Section 881(a)(6),

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. default judgment is entered against Dustin Thaté, Angelina Lalanie and all unknown persons and entities having an interest in the \$9,850 in U.S. Currency; and
2. all the right, title and interest of the defaulted persons and entities in the \$9,850 in U.S. Currency is forfeited to the United States, and no right, title or interest in the \$9,850 in U.S. Currency shall exist in any other person or entity; and
3. the \$9,850 in U.S. Currency is forfeited to the United States and shall be disposed of by the United States in accordance with the law.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 20, 2005

s/ Michael J. Davis
MICHAEL J. DAVIS, Judge
United States District Court